

MONTANA LEGISLATIVE HISTORY

Chapter 80 19 2003

Bill H 101 S _____

Original bill & history ☒ c

H. Committee on Fish, Wildlife & Parks

S. Committee on FWP

Hearing Date(s) 1/09 _____ C

Hearing Date(s) 3/06 _____ C

1 _____ C

_____ C

_____ C

_____ C

_____ C

_____ C

Date Out 1/15 _____ C

3/07

Did this bill originate in an interim committee? _____ Yes ☒ No

Committee _____

Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

HB 100 INTRODUCED BY JENT

LC0522 DRAFTER: VANDENBOSCH

REVISE SHOOTING PRESERVE AND GAME BIRD LAWS

BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, AND PARKS

12/17	INTRODUCED		
12/20	FISCAL NOTE REQUESTED		
12/20	REFERRED TO FISH, WILDLIFE AND PARKS		
1/07	FISCAL NOTE RECEIVED		
1/07	HEARING		
1/08	FISCAL NOTE PRINTED		
1/16	FISCAL NOTE PRINTED		
2/26	TAKEN FROM TABLE IN COMMITTEE		
2/26	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	17	3
2/26	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/27	REVISED FISCAL NOTE REQUESTED		
3/10	REVISED FISCAL NOTE RECEIVED		
3/10	2ND READING PASSED	88	11
3/10	REVISED FISCAL NOTE PRINTED		
3/11	3RD READING PASSED	91	6
	TRANSMITTED TO SENATE		
3/12	REFERRED TO FISH AND GAME		
3/27	HEARING		
4/04	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	7	3
4/04	COMMITTEE REPORT—BILL CONCURRED		
4/10	2ND READING CONCURRED	45	2
4/11	3RD READING CONCURRED	44	6
	RETURNED TO HOUSE		
4/12	SENT TO ENROLLING		
4/16	RETURNED FROM ENROLLING		
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/17	TRANSMITTED TO GOVERNOR		
4/25	SIGNED BY GOVERNOR		
4/25	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 499		
	EFFECTIVE DATE: 7/01/2003 - ALL SECTIONS		

HB 101 INTRODUCED BY JENT

LC0513 DRAFTER: VANDENBOSCH

REVISE LAWS GOVERNING ACQUISITION AND POSSESSION OF HUNTING AND FISHING LICENSES

BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, AND PARKS

9/16	FISCAL NOTE NEEDED		
12/17	INTRODUCED		
12/20	FISCAL NOTE REQUESTED		
12/20	REFERRED TO FISH, WILDLIFE AND PARKS		
1/07	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/09	HEARING		
1/15	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	19	1
1/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/23	2ND READING PASSED AS AMENDED	65	35
1/23	REFERRED TO FISH, WILDLIFE AND PARKS		
2/05	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	20	0
2/05	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	2ND READING PASSED	98	0
2/10	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/22	REFERRED TO FISH AND GAME		
3/06	HEARING		
3/07	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	10	0
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED ON VOICE VOTE	49	0
3/11	3RD READING CONCURRED	48	2
	RETURNED TO HOUSE		
3/12	SENT TO ENROLLING		
3/13	RETURNED FROM ENROLLING		
3/13	SIGNED BY SPEAKER		
3/13	SIGNED BY PRESIDENT		

3/14 TRANSMITTED TO GOVERNOR
 3/20 SIGNED BY GOVERNOR
 3/20 CHAPTER NUMBER ASSIGNED
 CHAPTER NUMBER 80
 EFFECTIVE DATE: 7/01/2003 - ALL SECTIONS

HB 102 INTRODUCED BY COHENOUR

LC0339 DRAFTER: EVERTS

REVISE RADON CONTROL ACT

BY REQUEST OF DEPARTMENT OF ENVIRONMENTAL QUALITY

7/31	FISCAL NOTE NEEDED		
12/17	INTRODUCED		
12/20	REFERRED TO NATURAL RESOURCES		
1/10	HEARING		
1/15	COMMITTEE EXECUTIVE ACTION—BILL PASSED	18	0
1/15	COMMITTEE REPORT—BILL PASSED		
1/20	2ND READING PASSED	99	0
1/21	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
1/22	REFERRED TO NATURAL RESOURCES		
2/03	HEARING		
2/05	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	11	0
2/05	COMMITTEE REPORT—BILL CONCURRED		
2/07	2ND READING CONCURRED ON VOICE VOTE	50	0
2/08	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
2/10	SENT TO ENROLLING		
2/10	RETURNED FROM ENROLLING		
2/10	SIGNED BY SPEAKER		
2/11	SIGNED BY PRESIDENT		
2/11	TRANSMITTED TO GOVERNOR		
2/13	SIGNED BY GOVERNOR		
2/17	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 28		
	EFFECTIVE DATE: 7/01/2003 - ALL SECTIONS		

HB 103 INTRODUCED BY JACOBSON

LC0290 DRAFTER: C. ERICKSON

REVISE PUPIL TRANSPORTATION FUNDING FORMULA

BY REQUEST OF OFFICE OF PUBLIC INSTRUCTION

7/24	FISCAL NOTE NEEDED		
12/17	INTRODUCED		
12/20	REFERRED TO EDUCATION		
1/17	HEARING		
1/27	COMMITTEE EXECUTIVE ACTION—BILL PASSED	10	4
1/27	COMMITTEE REPORT—BILL PASSED		
1/31	TAKEN FROM 2ND READING; REREFERRED TO APPROPRIATIONS	99	0
2/12	HEARING		
2/21	TABLED IN COMMITTEE		
3/29	MISSSED DEADLINE FOR APPROPRIATION BILL TRANSMITTAL		

HB 104 INTRODUCED BY BERGREN

LC0483 DRAFTER: MCCLURE

REVISE LAWS FOR INSURANCE PURCHASING POOLS

BY REQUEST OF STATE AUDITOR

12/17	INTRODUCED		
12/20	REFERRED TO BUSINESS AND LABOR		
1/14	HEARING		
1/14	COMMITTEE EXECUTIVE ACTION—BILL PASSED	18	0
1/15	COMMITTEE REPORT—BILL PASSED		
1/16	2ND READING PASSED	97	2
1/17	3RD READING PASSED	96	1
	TRANSMITTED TO SENATE		
1/20	REFERRED TO BUSINESS AND LABOR		
3/10	HEARING		
3/11	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED AS AMENDED	9	0
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED ON VOICE VOTE	49	0

HOUSE BILL NO. 101

INTRODUCED BY L. JENT

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A NONRESIDENT MAY NOT APPLY FOR AND PURCHASE FOR A NONRESIDENT'S USE A RESIDENT WILDLIFE CONSERVATION LICENSE OR HUNTING OR FISHING LICENSE OR PERMIT AND PROVIDING A PENALTY FOR VIOLATION OF THIS PROVISION; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ISSUE LICENSES BY TELEPHONE, ON THE INTERNET, OR BY OTHER ELECTRONIC MEANS; PROVIDING THAT LICENSES NEED NOT BE SUBSCRIBED TO OR COUNTERSIGNED BY THE PERSON ISSUING THE LICENSE; AUTHORIZING A WARDEN TO REQUIRE OR REQUEST ADDITIONAL PROOF OF IDENTIFICATION FROM A HUNTING LICENSE HOLDER OR PERMITHOLDER; REVISING THE LAWS GOVERNING MISDEMEANOR AND FELONY POSSESSION OF HUNTING LICENSES; ESTABLISHING THE OFFENSE OF MISDEMEANOR AND FELONY POSSESSION OF FISHING LICENSES AND PERMITS; AUTHORIZING THE DEPARTMENT TO ADOPT RULES THAT PRESCRIBE ELIGIBILITY STANDARDS FOR LICENSES OR PERMITS OBTAINED BY TELEPHONE, BY MAIL, ON THE INTERNET, OR BY OTHER ELECTRONIC MEANS; CLARIFYING THAT A PERSON MAY NOT CARRY A LICENSE OR PERMIT OBTAINED IN VIOLATION OF APPLICABLE LAW OR RULE; AMENDING SECTIONS 87-2-103, 87-2-106, 87-2-107, 87-2-109, AND 87-2-114, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-103, MCA, is amended to read:

"87-2-103. License required. (1) Except as provided in subsection (2), it is unlawful for a person to:

(a) hunt or trap or attempt to hunt or trap any game animal, any game bird, or any fur-bearing animal or to fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds, except as provided by law or as provided by the department; or

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or to fish for any fish, except at the places and during the periods and in the manner defined by law or as defined by the

1 department; or

2 (c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for
3 any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or
4 parts of fur-bearing animals without first having obtained a proper and valid license or permit from the
5 department to do so; or

6 (d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in
7 87-2-603, if that person is not a resident as defined in 87-2-102.

8 (2) The provisions of this section do not require a person who accompanies a licensed disabled hunter,
9 as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been
10 wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal.
11 However, the person must meet the qualifications for a license in the person's state of residence."

12

13 **Section 2.** Section 87-2-106, MCA, is amended to read:

14 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
15 may be procured from the director, a warden, or an authorized agent of the director. The applicant shall state
16 the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing
17 address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United
18 States or as an alien and other facts, data, or descriptions as may be required by the department. An applicant
19 for a resident license shall present a valid Montana driver's license, Montana driver's examiner's identification
20 card, or other identification specified by the department to substantiate the required information. It is the
21 applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase
22 a license. It is ~~unlawful~~ and a misdemeanor for a license agent to sell a hunting, fishing, or trapping license to
23 an applicant who fails to produce the required identification at the time of application for licensure. Except as
24 provided in subsections (2) through (4), the statements made by the applicant must be subscribed to before the
25 officer or agent issuing the license.

26 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
27 telephone, by mail, on the internet, or by other electronic means. Statements on an application for a license to
28 be issued by telephone, by mail, on the internet, or by other electronic means need not be subscribed to before
29 the employee or officer.

30 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director

1 and shall submit at the time of application a notarized affidavit that attests to fulfillment of the requirements of
2 87-2-102(7). The director shall process the application in an expedient manner.

3 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or fishing
4 license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the license.

5 (5) A license is void unless subscribed to by the licensee ~~and by an employee or officer of the~~
6 ~~department or by a license agent or an authorized representative of the license agent.~~

7 (6) It is unlawful to subscribe to or make any statement, on an application or license, that is materially
8 false. Any material false statement contained in an application renders the license issued pursuant to it void. A
9 person violating any provision of this subsection is guilty of a misdemeanor.

10 (7) It is unlawful for a nonresident to apply for and purchase for a nonresident's use a resident:

11 (a) wildlife conservation license;

12 (b) hunting license or permit; or

13 (c) fishing license or permit.

14 ~~(7)(8)~~ (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of affirming
15 to or making a false statement to obtain a resident license or who is convicted of applying for or purchasing a
16 resident license in violation of subsection (7) shall be:

17 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized
18 the sought-after privilege or more than \$1,000;

19 (ii) imprisoned in the county jail for not more than 6 months; or

20 (iii) both fined and imprisoned.

21 (b) In addition to the penalties specified in subsection ~~(7)(a)~~ (8)(a), upon conviction or forfeiture of bond
22 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish,
23 and trap in Montana for not less than 18 months.

24 ~~(8)(9)~~ It is ~~unlawful and~~ a misdemeanor for a person to purposely or knowingly assist an unqualified
25 applicant in obtaining a resident license in violation of this section.

26 ~~[(9)(10)]~~ The department shall keep the applicant's social security number confidential, except that the
27 number may be provided to the department of public health and human services for use in administering Title
28 IV-D of the Social Security Act.]

29 ~~(10)(11)~~ The department shall delete an applicant's social security number in any electronic database
30 [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or

1 is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

2

3 **Section 3.** Section 87-2-107, MCA, is amended to read:

4 **"87-2-107. License form.** The form of the license ~~shall~~ must be determined and the license blanks
5 prepared by the department and furnished by it to the officers and persons authorized to issue the ~~same~~ license.
6 ~~Said licenses shall~~ Licenses must be issued in the name of the department ~~and be countersigned by the officer~~
7 ~~or person issuing the same.~~ Each license issued ~~shall~~ must be signed by the licensee in ink or indelible pencil
8 on the face ~~thereof~~ of the license."

9

10 **Section 4.** Section 87-2-109, MCA, is amended to read:

11 **"87-2-109. Carrying and exhibiting license, permit, and identification.** (1) Except as provided in
12 87-2-114(2), it is unlawful for a person to whom a license or permit has been issued to fish, to hunt for any game
13 bird or game animal, or to attempt to hunt for any fur-bearing animal in this state unless the person is carrying
14 ~~the each~~ required license, permit, or permit at the time.

15 (2) It is unlawful to refuse to exhibit a license or permit and ~~the any~~ any identification used in purchasing a
16 license or permit for inspection to a warden or other officer requesting to see it. A warden may require the
17 person, if 18 years of age or older, to exhibit photo identification. The warden may request the person to write
18 the person's signature for comparison and verification with the signature on the wildlife conservation license."

19

20 **Section 5.** Section 87-2-114, MCA, is amended to read:

21 **"87-2-114. Unlawful Misdemeanor and felony possession of hunting or fishing license or permit**
22 **of another -- penalties.** (1) Except as provided in subsection (2), ~~it is unlawful for a~~ a person to commits the
23 offense of unlawful possession of a hunting or fishing license or permit if the person carry carries or have has
24 physical control over a valid and unused;

25 (a) hunting license or permit issued to another person while in any location that the species to be hunted
26 may inhabit;

27 (b) resident hunting license or permit or resident fishing license or permit issued to a nonresident; or

28 (c) hunting license or permit or fishing license or permit, knowing, as defined in 45-2-101, that the
29 license or permit was issued in violation of applicable law or rule.

30 (2) The following exceptions apply to the prohibition in subsection (1):

1 (a) A person may carry or have physical control over a license or permit issued to that person's spouse
2 or to any minor when the spouse or minor is hunting with that person.

3 (b) The prohibition does not apply to a properly obtained and validated license or permit attached to a
4 lawfully killed game animal.

5 (3) Except as provided in subsection (4), a person who violates this section is guilty of a misdemeanor
6 and is punishable as provided in 87-1-102(1).

7 (4) A person who violates this section while engaged in a commercial activity, such as taxidermy, meat
8 processing, outfitting, or guiding by carrying or having physical control over three or more hunting licenses that
9 are issued to another person or persons and that are used or intended to be used on game animals not taken
10 by the person or persons to whom the licenses were issued, or by carrying, having physical control of, or selling
11 two or more licenses or permits, knowing, as defined in 45-2-101, that the permits were issued in violation of
12 applicable law or rule, is guilty of a felony and upon conviction shall be fined not more than \$50,000, imprisoned
13 in the state prison for not more than 5 years, or both.

14 (5) In addition to the penalties set out in subsections (3) and (4), a person convicted under this section
15 or who pleads guilty to a violation of this section shall lose all hunting, fishing, and trapping permit and license
16 privileges for not less than 3 years or up to a lifetime revocation from the date of conviction."
17

18 NEW SECTION. Section 6. Eligibility standards for licenses or permits obtained by telephone,
19 mail, or electronic means -- rulemaking. The department may adopt rules that prescribe requirements
20 necessary to determine that an applicant meets the eligibility requirements provided in this part when the
21 applicant obtains a license or permit by telephone, by mail, on the internet, or by other electronic means.
22

23 NEW SECTION. Section 7. Codification instruction. [Section 6] is intended to be codified as an
24 integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 6].
25

26 NEW SECTION. Section 8. Saving clause. [This act] does not affect rights and duties that matured,
27 penalties that were incurred, or proceedings that were begun before [the effective date of this act].
28

29 NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are
30 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2

3 NEW SECTION. **Section 10. Effective date.** [This act] is effective July 1, 2003.

4

- END -

FISCAL NOTE

Bill #: HB0101

Title: Revise laws governing acquisition and possession of hunting and fishing licenses

Primary Sponsor: Jent, L

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| ☐ Significant Local Gov. Impact | ☐ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts |
| ☐ Dedicated Revenue Form Attached | ☐ Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

1. The Department of Corrections (DOC) records do not include any felony convictions under 87-2-114, MCA, in the last two years.
2. The DOC has no data on misdemeanor convictions and, therefore, has no method for estimating the number of new felony convictions generated by the bill.
3. DOC has no data allowing prediction of judicial sentencing patterns which would result from a conviction under the changes enacted by the bill.
4. There is no fiscal impact to the Department of Fish, Wildlife and Parks from this bill.

FISCAL IMPACT:

There is no significant fiscal impact.

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN JOE BALYEAT**, on January 9, 2003 at
3:25 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Joe Balyeat, Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Michael Lange, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Paul Clark (D)
Rep. Jill Cohenour (D)
Rep. George Everett (R)
Rep. Tom Facey (D)
Rep. Daniel Fuchs (R)
Rep. Steven Gallus (D)
Rep. Carol Gibson (D)
Rep. Gail Gutsche (D)
Rep. Larry Jent (D)
Rep. Bob Lake (R)
Rep. Don Roberts (R)
Rep. Allen Rome (R)
Rep. Scott Sales (R)
Rep. Jim Shockley (R)
Rep. Pat Wagman (R)
Rep. Sandy Weiss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pamela Schindler, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A videotaped recording of the meeting is available from the Montana Historical Society.

Closing by Sponsor:

4:04 p.m. REP. GOLIE

EXHIBIT(fih04a05)

EXHIBIT(fih04a06)

4:07 p.m. REP. BALYEAT

HEARING ON HB 101

Sponsor: REP. JENT HD # 29

Opening Statement by Sponsor:

4:07 p.m. REP. JENT

EXHIBIT(fih04a07)

Proponents' Testimony:

4:15 p.m. Chris Smith, Montana Fish, Wildlife and Parks

EXHIBIT(fih04a08)

4:17 p.m. John Wilson, Montana Trout Unlimited

4:17 p.m. Bob Gilbert, Walleyes Unlimited

4:18 p.m. REP. BALYEAT

Opponents' Testimony: None

Informational Testimony:

4:18 p.m. Joe Mazurek, Lobbyist- Montana Interactive

Questions from Committee Members and Responses:

4:18 p.m. REP. BALYEAT

4:19 p.m. REP. EVERETT

4:19 p.m. REP. JENT

4:23 p.m. REP. FUCHS

4:23 p.m. REP. JENT

4:24 p.m. REP. BALLYEAT

4:25 p.m. Chris Smith

4:25 p.m. Bernie Benkelmen, Montana Fish, Wildlife and Parks

4:26 p.m. REP. FUCHS

4:27 p.m. Chris Smith

Closing by Sponsor:

4:28 p.m. REP. JENT

HEARING ON HB 137

Sponsor: REP. LANGE HD #19

Opening Statement by Sponsor:

4:29 p.m. REP. LANGE

Proponents' Testimony:

4:30 p.m. Chris Smith, Montana Fish, Wildlife and Parks

EXHIBIT(fih04a09)

4:34 p.m. Robin Cunningham, Fishing Outfitters Association of
Montana

4:35 p.m. John Wilson, Montana Trout Unlimited

4:37 p.m. Bob Gilbert, Walleyes Unlimited

4:38 p.m. Elaine Allestad, Sweet Grass County Commissioner

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

4:39 p.m. REP. CLARK

⑦

EXHIBIT 7
DATE 1/9
HB 1

Amendments to House Bill No. 101
1st Reading Copy

Requested by Representative Larry Jent

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
January 7, 2003 (1:13pm)

1. Page 4, line 23.

Following: "carry"

Insert: "knowingly"

- END -

House Bill 101
January 9, 2003
Presented by Chris Smith
House Fish, Wildlife & Parks Committee

(8)
EXHIBIT 8
DATE 1/9/03
HB 101

Mr. Chairman and members of the committee, I am Chris Smith, chief of staff for the Department of Fish, Wildlife & Parks (FWP).

I appear before you today to request your support for HB 101, an act to clarify the purchase and use of resident and nonresident hunting licenses. HB 101 will bring much needed modernization and timeliness to FWP's ability to regulate hunting, fishing, trapping, and associated activities through the licensing process. This bill covers internet and telephone license purchases; revises laws governing misdemeanor and felony possession of hunting licenses; establishes offenses of misdemeanor and felony possession of fishing licenses and permits; authorizes FWP to adopt rules establishing eligibility standards for licenses and permits obtained via the internet, by telephone or by other electronic means; and clarifies that it is a violation of law or rule to carry an unlawfully obtained license or permit in the field while engaged in those activities. HB101 also amends several related sections of the Montana Code.

By way of background, legislation and regulations governing the sale and use of hunting, fishing and trapping licenses were in place long before the convenience of telephonic and Internet sales became available to the general public. Those regulations and statutes now need to be updated to accommodate the new types of sales that FWP intends to make available during license year 2003. In particular, laws on residency, and license purchase and use need to be changed in order to make the laws enforceable against misuse of available technology.

Currently it is a misdemeanor violation for someone who is not a Montana resident to purchase a resident hunting license. However, in those instances where a nonresident obtains a resident license, it is currently not a violation to use that illegally obtained license to hunt in Montana. This situation creates a significant burden for the FWP's Law Enforcement personnel operating in the field, as they have limited means to determine who actually purchased a license and/or how the purchase was made.

HB 101 will make it a crime for a nonresident to carry or exhibit a Montana resident license that has been issued to a nonresident. The bill provides penalties similar to those existing today for making false statements to obtain a resident license, and for knowing that the license was issued in violation of law. The bill will also make possession and/or sale of multiple licenses a felony.

FWP also intends to sell limited resident licenses over the Internet and by telephone. Residents will be required to make their first contact through a licensed vendor and establish their identity on the Automated Licensing System (ALS). Subsequently those

residents who have an ALS number assigned will be able to use that number for Internet and telephonic purchases.

Finally, HB 101 provides rulemaking standards for FWP to regulate the sale of licenses and permits by telephone, mail, and electronic means including the Internet. Planning continues at the Department to begin sales of licenses and permits over the Internet and by telephone for the next license year that begins on March 1, 2003. With the passage of HB 101, with its effective date of July 1, 2003, FWP will be able to bring a new level of customer service to the licensing process, while protecting the rights of Montana residents by having the tools available to apply enforcement in instances where residency requirements are violated.

HOUSE OF REPRESENTATIVES
Roll Call
FISH, WILDLIFE & PARKS COMMITTEE

DATE

1/9/03

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. JOE BALYEAT, CHAIRMAN	X		
REP. MIKE LANGE, VICE CHAIR MAJORITY	X		
REP. GEORGE GOLIE, VICE CHAIR MINORITY	X		
REP. DEBBIE BARRETT	X		
REP. PAUL CLARK	X		
REP. JILL COHENOUR	X		
REP. GEORGE EVERETT	X		
REP. TOM FACEY	X		
REP. DAN FUCHS	X		
REP. STEVE GALLUS	X		
REP. CAROL GIBSON	X		
REP. GAIL GUTSCHE	X		
REP. LARRY JENT	X		
REP. BOB LAKE	X		
REP. DON ROBERTS	X		
REP. ALAN ROME	X		
REP. SCOTT SALES	X		
REP. JIM SHOCKLEY	X		
REP. PAT WAGMAN	X		
REP. SANDY WEISS	X		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN JOE BALYEAT**, on January 14, 2003 at 3 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Joe Balyeat, Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Michael Lange, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Paul Clark (D)
Rep. Jill Cohenour (D)
Rep. George Everett (R)
Rep. Tom Facey (D)
Rep. Daniel Fuchs (R)
Rep. Steven Gallus (D)
Rep. Carol Gibson (D)
Rep. Gail Gutsche (D)
Rep. Larry Jent (D)
Rep. Bob Lake (R)
Rep. Don Roberts (R)
Rep. Allen Rome (R)
Rep. Scott Sales (R)
Rep. Jim Shockley (R)
Rep. Pat Wagman (R)
Rep. Sandy Weiss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A videotaped recording of the meeting is available from the Montana Historical Society.

EXECUTIVE ACTION ON HB 157

Motion/Vote: 3:42 p.m. REP. SHOCKLEY moved that HB 157 DO PASS.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 101

Motion: 3:43 p.m. REP. JENT moved that HB 101 DO PASS.

Motion: 3:44 p.m. REP. JENT moved that HB 101 BE AMENDED.
EXHIBIT(fih07a05)

3:45 REP. JENT

3:46 REP. CLARK

Motion/Vote: 3:46 REP. JENT moved that HB 101 BE AMENDED. Motion
carried unanimously by voice vote.
EXHIBIT(fih07a06)

Motion: 3:44 p.m. REP. CLARK moved that HB 101 BE AMENDED.

Motion/Vote: 3:46 REP. JENT moved that HB 101 BE AMENDED. Motion
carried unanimously by voice vote.

Vote: 3:55 p.m. REP. JENT moved that HB 101 DO PASS AS AMENDED
passed 19-1 with REP. FUCHS voting no by voice vote.

EXECUTIVE ACTION ON 100

Motion: 3:56 p.m. REP. SHOCKLEY moved that HB 100 DO PASS.

Motion: 3:58 p.m. REP. JENT moved that HB 100 BE AMENDED. Motion
carried unanimously by voice vote.
EXHIBIT(fih07a07)

Motion: 3:58 p.m. REP. LAKE moved that HB 100 BE AMENDED.
EXHIBIT(fih07a08)

3:59 p.m. Doug Sternberg

4:00 p.m. CHAIRMAN BALYEAT moved that AMENDMENT HB010002.ADS BE
SEGREGATED INTO THREE AMENDMENTS. Motion carried unanimously by
voice vote.

4:01 p.m. REP. LAKE



HOUSE STANDING COMMITTEE REPORT

January 15, 2003

Page 1 of 2

Mr. Speaker:

We, your committee on Fish, Wildlife and Parks recommend that House Bill 101 (first reading copy -- white) do pass as amended.

Signed:

Joe Balyeat
Representative Joe Balyeat, Chair

And, that such amendments read:

1. Title, line 5.

Following: "APPLY FOR"

Strike: "AND"

Insert: "OR"

2. Page 3, line 10.

Following: "apply for"

Strike: "and"

Insert: "or"

Following: "use"

Strike: "a"

Insert: "the following"

Following: "resident"

Insert: "licenses and permits"

3. Page 4, line 23.

Following: "carry"

Insert: "knowingly, as defined in 45-2-101,"

4. Page 4, line 28.

Following: second "permit"

Strike: ", knowing, as defined in 45-2-101,"

Following: "that"

Strike: "the"

Committee Vote:

Yes 19, No 1.

1/15 mp
081248SC.hhn

5. Page 4, line 29.

Strike: "license or permit"

6. Page 5, line 10.

Following: "issued"

Strike: ", "

Following: "by"

Insert: "knowingly, as defined in 45-2-101,"

7. Page 5, line 11.

Following: "or permits"

Strike: ", knowing, as defined in 45-2-101,"

Following: "that"

Strike: "the permits"

- END -

HOUSE OF REPRESENTATIVES
Roll Call
FISH, WILDLIFE & PARKS COMMITTEE

DATE 1-14-03

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. JOE BALLYEAT, CHAIRMAN	✓		
REP. MIKE LANGE, VICE CHAIR MAJORITY	✓		
REP. GEORGE GOLIE, VICE CHAIR MINORITY	✓		
REP. DEBBIE BARRETT	✓		
REP. PAUL CLARK			EX Returned 3:26 pm
REP. JILL COHENOUR	✓		
REP. GEORGE EVERETT	✓		
REP. TOM FACEY	✓		
REP. DAN FUCHS	✓		
REP. STEVE GALLUS	✓		
REP. CAROL GIBSON	✓		
REP. GAIL GUTSCHE	✓		
REP. LARRY JENT	✓		
REP. BOB LAKE	✓		
REP. DON ROBERTS	✓		
REP. ALAN ROME	✓		
REP. SCOTT SALES	✓		
REP. JIM SHOCKLEY	✓		
REP. PAT WAGMAN	✓		
REP. SANDY WEISS	✓		

EXHIBIT 5
DATE 1-14-03
HB 101

Amendments to House Bill No. 101
1st Reading Copy

Requested by Representative Larry Jent

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
January 14, 2003 (7:55am)

1. Page 4, line 23.
Following: "~~carry~~"
Insert: "knowingly, as defined in 45-2-101,"
2. Page 4, line 28.
Following: second "permit"
Strike: ", knowing, as defined in 45-2-101,"
Following: "that"
Strike: "the"
3. Page 4, line 29.
Strike: "license or permit"
4. Page 5, line 10.
Following: "issued"
Strike: ", "
Following: "by"
Insert: "knowingly, as defined in 45-2-101,"
5. Page 5, line 11.
Following: "or permits"
Strike: ", knowing, as defined in 45-2-101,"
Following: "that"
Strike: "the permits"

- END -

EXHIBIT 6
DATE 1-14-03
HB 101

Amendments to House Bill No. 101
1st Reading Copy

Requested by Representative Larry Jent

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
January 14, 2003 (8:00am)

1. Title, line 5.

Following: "APPLY FOR"

Strike: "AND"

Insert: "OR"

2. Page 3, line 10.

Following: "apply for"

Strike: "and"

Insert: "or"

Following: "use"

Strike: "a"

Insert: "the following"

Following: "resident"

Insert: "licenses and permits"

- END -

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 6, 2003 at
3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Ken (Kim) Hansen (D)
Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandenbosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed. Due to
technical difficulty, the tapes did not record;
they are blank.

Committee Business Summary:

Hearing & Date Posted: HB 187, HB 411, HB 101, HB 137,
3/3/2003

Executive Action: HB 101, HB 137, HB 187, HB 411

SEN. SPRAGUE questioned if an outfitter considers "fish days" as part of their assets. **David Decker** responded.

SEN. BARKUS asked if the outfitters are concerned about the many kinds of transfers. **Jean Johnson** answered that they have no problem with FWP managing Smith River.

Closing by Sponsor:

REP. GALLUS closed on HB 411.

HEARING ON HB 101

Sponsor: **REP. LARRY JENT**, HD 29, Bozeman

Opening Statement by Sponsor:

REP. JENT said that this bill further clarifies licensing laws. This bill does five things: 1) allows for the convenience of obtaining a license on the phone and internet; 2) provides for greater security through the creating of a data base; 3) allows for licensing regulations to be printed at home; 4) states that FWP will mail their license; 5) makes possession of another person's license a crime.

Proponents' Testimony:

Jeff Hagener, Director, Montana FWP, read his written testimony in support of the bill.

EXHIBIT(fis47a05)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. JENT closed on HB 101, stating that this bill brings Montana into the 21st Century, and urging the Committee's support.

EXECUTIVE ACTION ON HB 101

Motion/Vote: SEN. SCHMIDT moved that HB 101 BE CONCURRED IN. Motion carried unanimously by voice vote. SENS. HANSEN and TROPILA voted by proxy.

SEN. McGEE will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 187

Motion: SEN. BARKUS moved that HB 187 BE CONCURRED IN.

Discussion:

SEN. McGEE wondered why the two new fish (yellow perch and crappie) are being considered as game fish. Larry Peterman explained that they are a popular fish for sportsmen and FWP needs to be able to regulate them.

Vote: Motion carried unanimously by voice vote. SENS. HANSEN and TROPILA voted by proxy.

SEN. SHEA will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 411

Motion: SEN. TASH moved that HB 411 BE CONCURRED IN.

Discussion:

SEN. TASH explained that this issue started in 1990. With the amendments added in the House, it is a broader bill now.

SEN. MAHLUM commented that he would like the FWP to monitor how many outfitters go down the Big Hole River; there are so many.

SEN. SCHMIDT stated that she is bothered by the amendment.

SEN. BARKUS agreed that FWP needs to get control of the outfitters.

SEN. SCHMIDT said she does not understand why there should be different rules for different rivers. Jeff Hagener responded



SENATE STANDING COMMITTEE REPORT

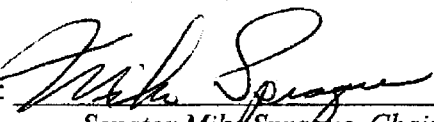
March 7, 2003

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **House Bill 101** (third reading copy -- blue) be concurred in.

Signed:


Senator Mike Sprague, Chair

To be carried by Senator Dan McGee

- END -

Committee Vote:
Yes 10, No 0.

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ROLL CALL

Bills Heard: HB 101, 137, 187 + 411

SENATE FISH & GAME COMMITTEE

DATE: 3-6-03

SENATOR'S NAME	PRESENT	ABSENT	EXCUSED
Keith BALES	X		
Greg BARKUS	X		
Ken HANSEN			X
Dale MAHLUM	X		
Dan McGEE	X		
Trudi SCHMIDT	X		
Debbie SHEA			X
Mike SPRAGUE (Chair)	X		
Bill TASH	X		
Joe TROPILA	X		

SENATE FISH AND GAME

EXHIBIT NO. 5
DATE 3.6.03
BILL NO. HB 101

House Bill 101
March 6, 2003
Presented by Jeff Hagener
Senate Fish and Game Committee

Mr. Chairman and members of the committee, I am Jeff Hagener, Director, for the Department of Fish, Wildlife & Parks (FWP).

I appear before you today to request your support for HB 101, an act to clarify the purchase and use of resident and nonresident hunting licenses. HB 101 will bring much needed modernization and timeliness to FWP's ability to regulate hunting, fishing, trapping, and associated activities through the licensing process. This bill covers internet and telephone license purchases; revises laws governing misdemeanor and felony possession of hunting licenses; establishes offenses of misdemeanor and felony possession of fishing licenses and permits; authorizes FWP to adopt rules establishing eligibility standards for licenses and permits obtained via the internet, by telephone or by other electronic means; and clarifies that it is a violation of law or rule to carry an unlawfully obtained license or permit in the field while engaged in those activities. HB101 also amends several related sections of the Montana Code.

By way of background, legislation and regulations governing the sale and use of hunting, fishing and trapping licenses were in place long before the convenience of telephonic and Internet sales became available to the general public. Those regulations and statutes now need to be updated to accommodate the new types of sales that FWP intends to make available during license year 2003. In particular, laws on residency, and license purchase and use need to be changed in order to make the laws enforceable against misuse of available technology.

Currently it is a misdemeanor violation for someone who is not a Montana resident to purchase a resident hunting license. However, in those instances where a nonresident obtains a resident license, it is currently not a violation to use that illegally obtained license to hunt in Montana. This situation creates a significant burden for the FWP's Law Enforcement personnel operating in the field, as they have limited means to determine who actually purchased a license and/or how the purchase was made.

HB 101 will make it a crime for a nonresident to carry or exhibit a Montana resident license that has been issued to a nonresident. The bill provides penalties similar to those existing today for making false statements to obtain a resident license, and for knowing that the license was issued in violation of law. The bill will also make possession and/or sale of multiple licenses a felony.

FWP also intends to sell limited resident licenses over the Internet and by telephone. Residents will be required to make their first contact through a licensed vendor and establish their identity on the Automated Licensing System (ALS). Subsequently those

residents who have an ALS number assigned will be able to use that number for Internet and telephonic purchases.

HB 101 provides rulemaking standards for FWP to regulate the sale of licenses and permits by telephone, mail, and electronic means including the Internet. Planning continues at the Department to begin sales of licenses and permits over the Internet and by telephone for the next license year that begins on March 1, 2003. With the passage of HB 101, with its effective date of July 1, 2003, FWP will be able to bring a new level of customer service to the licensing process, while protecting the rights of Montana residents by having the tools available to apply enforcement in instances where residency requirements are violated.

We agreed to amendments offered in the House Fish, Wildlife and Parks Committee to strike authorization for a game warden to seek additional proof of identification from permit holders. In addition, we agreed to liberalize language to allow any bow hunter course approved by the department to qualify for safety instruction as a prerequisite for bow hunting.

I am available for any questions the committee may have.

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR Schmidt **TO VOTE**

MY PROXY ON SENATE BILL _____ **BEFORE**

THE FISH, WILDLIFE, AND PARKS SENATE COMMITTEE

MEETING HELD ON _____, **2003.**

HB 101 yes
HB 137 yes
HB 187 yes
HB 411 yes

Ken Hans
SENATOR

The written proxy must be provided to the Secretary, Jane M. Hayden

PROXY VOTE

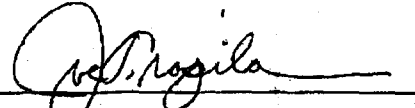
I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR SCHMIDT **TO VOTE**

MY PROXY ON ^{HOUSE} ~~SENATE~~ BILLS 101-137-187-411 **BEFORE**

THE FISH, WILDLIFE, AND PARKS SENATE COMMITTEE

MEETING HELD ON 3/06, **2003.**


SENATOR

The written proxy must be provided to the Secretary, Jane M. Hayden

SENATOR JOSEPH (JOE) TROPILA

SENATE SEAT # 28

MEETING NOTICE FOR COMMITTEE MEMBERS

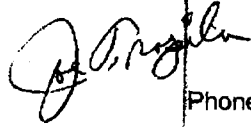
The **SENATE FISH AND GAME COMMITTEE** will meet on Thursday, March 6, 2003 at 3 pm in Room

422. Bills to be heard are:

HB 101, HB 137, HB 187

February 26, 2003

Proxy to Sen. Schmidt
Jane M. Hayden, Secretary


Phone: 444-1537

SENATOR JOSEPH (JOE) TROPILA

SENATE SEAT # 28

MEETING NOTICE FOR COMMITTEE MEMBERS

The **SENATE FISH AND GAME COMMITTEE** will meet on Thursday, March 6, 2003 at 3 pm in Room

422. Bills to be heard are:

HB 411

February 26, 2003


Jane M. Hayden, Secretary

Phone: 444-1537

DATE

3.6.03

SENATE COMMITTEE ON

FISH & GAME

BILLS BEING HEARD TODAY:

HB 101, 137, 187 & 411

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Mike Barrett	443-2195	SK, artists, intelligence	187/ 411	✓	✓
Jeff Xygner	444-3186	FWP	137 101	✓ ✓	
Larry Peterman	444-9817	FWP	187 411	✓ WFO.	✓
David Decker	832-3175	OUTFITTERS	411	✓	
John Wilson	449-9933	MT Trout Unlimited	137	✓	
Robert Thussell	459-6865	MT Wildlife Federation	137 411	✓	✓
Bill Orsillo	442-9824	Helena Hunters Assoc	411		✓
Joe Mazurek	449-4165	MONTANA INTERACTIVE			
Robin Cunningham	763-5436	FISHING-OUTFITTERS ASSN. OF MONTANA	411/137	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



AN ACT CLARIFYING THAT A NONRESIDENT MAY NOT APPLY FOR OR PURCHASE FOR A NONRESIDENT'S USE A RESIDENT WILDLIFE CONSERVATION LICENSE OR HUNTING OR FISHING LICENSE OR PERMIT AND PROVIDING A PENALTY FOR VIOLATION OF THIS PROVISION; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ISSUE LICENSES BY TELEPHONE, ON THE INTERNET, OR BY OTHER ELECTRONIC MEANS; PROVIDING THAT LICENSES NEED NOT BE SUBSCRIBED TO OR COUNTERSIGNED BY THE PERSON ISSUING THE LICENSE; REVISING THE LAWS GOVERNING MISDEMEANOR AND FELONY POSSESSION OF HUNTING LICENSES; ESTABLISHING THE OFFENSE OF MISDEMEANOR AND FELONY POSSESSION OF FISHING LICENSES AND PERMITS; AUTHORIZING THE DEPARTMENT TO ADOPT RULES THAT PRESCRIBE ELIGIBILITY STANDARDS FOR LICENSES OR PERMITS OBTAINED BY TELEPHONE, BY MAIL, ON THE INTERNET, OR BY OTHER ELECTRONIC MEANS; CLARIFYING THAT A PERSON MAY NOT CARRY A LICENSE OR PERMIT OBTAINED IN VIOLATION OF APPLICABLE LAW OR RULE; ALLOWING A PERSON WHO WISHES TO RECEIVE A BOWHUNTING LICENSE TO COMPLETE A NATIONAL BOWHUNTER EDUCATION FOUNDATION PROGRAM OR ANOTHER BOWHUNTER EDUCATION PROGRAM APPROVED BY THE DEPARTMENT; AMENDING SECTIONS 87-2-103, 87-2-105, 87-2-106, 87-2-107, AND 87-2-114, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-103, MCA, is amended to read:

"87-2-103. License required. (1) Except as provided in subsection (2), it is unlawful for a person to:

(a) hunt or trap or attempt to hunt or trap any game animal, any game bird, or any fur-bearing animal or to fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds, except as provided by law or as provided by the department; or

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or to fish

for any fish, except at the places and during the periods and in the manner defined by law or as defined by the department; or

(c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department to do so; or

(d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in 87-2-603, if that person is not a resident as defined in 87-2-102.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal. However, the person must meet the qualifications for a license in the person's state of residence."

Section 2. Section 87-2-105, MCA, is amended to read:

"87-2-105. Safety instruction required. (1) A hunting license may not be issued to a resident person who is under 18 years of age unless the person authorized to issue the license receives a certificate of completion from the Montana youth hunter safety and education course established in subsection (5).

(2) A hunting license may not be issued to a nonresident person who is under 18 years of age unless the person authorized to issue the license receives a certificate of completion from the Montana youth hunter safety and education course established in subsection (5) or a certificate verifying that the nonresident has successfully completed a hunter safety course in any state or province.

(3) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the person authorized to issue the license receives proof of completion of a hunter safety course approved by the department or a certificate verifying that the member or dependent has successfully completed a hunter safety course in any state or province.

(4) A bow and arrow license may not be issued to a resident or nonresident unless the person

authorized to issue the license receives an archery license issued for a prior hunting season or receives proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(5) The department shall provide for a youth hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions to youth in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's youth hunter safety and education course to a person successfully completing the course.

(6) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give ~~the national bowhunter education foundation~~ instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion ~~from the national bowhunter education foundation~~ to any person successfully completing the course.

(7) The department may develop an adult hunter education course.

(8) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion or achievement."

Section 3. Section 87-2-106, MCA, is amended to read:

"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges. (1) A license may be procured from the director, a warden, or an authorized agent of the director. The applicant shall state the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and other facts, data, or descriptions as may be required by the department. An applicant

for a resident license shall present a valid Montana driver's license, Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a license. It is ~~unlawful and~~ a misdemeanor for a license agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required identification at the time of application for licensure. Except as provided in subsections (2) through (4), the statements made by the applicant must be subscribed to before the officer or agent issuing the license.

(2) Except as provided in subsection (3), department employees or officers may issue licenses by telephone, by mail, on the internet, or by other electronic means. Statements on an application for a license to be issued by telephone, by mail, on the internet, or by other electronic means need not be subscribed to before the employee or officer.

(3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the requirements of 87-2-102(7). The director shall process the application in an expedient manner.

(4) A resident may apply for and purchase a wildlife conservation license, hunting license, or fishing license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the license.

(5) A license is void unless subscribed to by the licensee ~~and by an employee or officer of the department or by a license agent or an authorized representative of the license agent~~.

(6) It is unlawful to subscribe to or make any statement, on an application or license, that is materially false. Any material false statement contained in an application renders the license issued pursuant to it void. A person violating any provision of this subsection is guilty of a misdemeanor.

(7) It is unlawful for a nonresident to apply for or purchase for a nonresident's use the following resident licenses and permits:

(a) wildlife conservation license;

(b) hunting license or permit; or

(c) fishing license or permit.

~~(7)(8)~~ (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of affirming to or making a false statement to obtain a resident license or who is convicted of applying for or purchasing a resident license in violation of subsection (7) shall be:

(i) fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized the sought-after privilege or more than \$1,000;

(ii) imprisoned in the county jail for not more than 6 months; or

(iii) both fined and imprisoned.

(b) In addition to the penalties specified in subsection ~~(7)(a)~~ (8)(a), upon conviction or forfeiture of bond or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish, and trap in Montana for not less than 18 months.

~~(8)(9)~~ It is ~~unlawful and~~ a misdemeanor for a person to purposely or knowingly assist an unqualified applicant in obtaining a resident license in violation of this section.

~~(9)(10)~~ The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

~~(10)(11)~~ The department shall delete an applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

Section 4. Section 87-2-107, MCA, is amended to read:

"**87-2-107. License form.** The form of the license ~~shall~~ must be determined and the license blanks prepared by the department and furnished by it to the officers and persons authorized to issue the ~~same license~~. ~~Said licenses shall~~ Licenses must be issued in the name of the department ~~and be countersigned by the officer or person issuing the same~~. Each license issued ~~shall~~ must be signed by the licensee in ink or indelible pencil on the face thereof of the license."

Section 5. Section 87-2-114, MCA, is amended to read:

"**87-2-114. Unlawful Misdemeanor and felony possession of hunting or fishing license or permit of another -- penalties.** (1) Except as provided in subsection (2), ~~it is unlawful for a~~ a person to commits the offense of unlawful possession of a hunting or fishing license or permit if the person carry knowingly, as defined in 45-2-101, carries or have has physical control over a valid and unused:

(a) hunting license or permit issued to another person while in any location that the species to be hunted

may inhabit;

(b) resident hunting license or permit or resident fishing license or permit issued to a nonresident; or

(c) hunting license or permit or fishing license or permit that was issued in violation of applicable law or rule.

(2) The following exceptions apply to the prohibition in subsection (1):

(a) A person may carry or have physical control over a license or permit issued to that person's spouse or to any minor when the spouse or minor is hunting with that person.

(b) The prohibition does not apply to a properly obtained and validated license or permit attached to a lawfully killed game animal.

(3) Except as provided in subsection (4), a person who violates this section is guilty of a misdemeanor and is punishable as provided in 87-1-102(1).

(4) A person who violates this section while engaged in a commercial activity, such as taxidermy, meat processing, outfitting, or guiding by carrying or having physical control over three or more hunting licenses that are issued to another person or persons and that are used or intended to be used on game animals not taken by the person or persons to whom the licenses were issued; or by knowingly, as defined in 45-2-101, carrying, having physical control of, or selling two or more licenses or permits that were issued in violation of applicable law or rule, is guilty of a felony and upon conviction shall be fined not more than \$50,000, imprisoned in the state prison for not more than 5 years, or both.

(5) In addition to the penalties set out in subsections (3) and (4), a person convicted under this section or who pleads guilty to a violation of this section shall lose all hunting, fishing, and trapping permit and license privileges for not less than 3 years or up to a lifetime revocation from the date of conviction."

Section 6. Eligibility standards for licenses or permits obtained by telephone, mail, or electronic means -- rulemaking. The department may adopt rules that prescribe requirements necessary to determine that an applicant meets the eligibility requirements provided in this part when the applicant obtains a license or permit by telephone, by mail, on the internet, or by other electronic means.

Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 6].

Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 10. Effective date. [This act] is effective July 1, 2003.

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